

**APRIL 15, 2014**

**ROLL CALL: MARY BRADLEY, CARL ELLIS, SONNY JONES, KEN KERKHOFF, OWEN ROBERTS AND ANN MILLER WERE PRESENT. ALSO PRESENT WERE CITY ATTORNEY BILL MOORE AND MAYOR BRIAN TRAUGOTT.**

**DEPT. HEADS: MITZI DELIUS, JIM ODOM, AND JOHN WILHOIT WERE PRESENT REPRESENTING THEIR RESPECTIVE DEPARTMENTS.**

**MOTION BY ELLIS, SECONDED BY JONES TO APPROVE AND ADOPT THE MINUTES OF THE APRIL 8, 2014 REGULAR MEETING OF THE COUNCIL.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Roberts and Miller voting aye.**

At the request of Council member Bradley, City Attorney Moore gave second reading of Ordinance No. 2014-21 An Ordinance Regulating the Storage, Display, Sales and Use of Fireworks in the City of Versailles as follows:

**CITY OF VERSAILLES  
ORDINANCE NO. 2014 -21**

**TITLE: AN ORDINANCE REGULATING THE STORAGE, DISPLAY, SALES AND USE OF FIREWORKS IN THE CITY OF VERSAILLES.**

WHEREAS, the Versailles City Council has determined that it is necessary and appropriate for the City to regulate the storage, display, sales and use of fireworks in the City in order to promote the public health, safety and welfare of the community,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY as follows:

SECTION 1. DEFINITIONS. For purposes of this ordinance, the terms listed below shall have the following definitions:

A. Ancillary Fireworks Retailer: Any person, partnership, corporation or other business entity which is open to the public year round and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with the intent to sell fireworks defined in KRS 227.702(1), with such sales being ancillary to its primary business, with ancillary being defined as 10% or less of the gross sales of the business entity.

B. Competent Display Operator: As defined and set out in KRS 227.710. (ATTACHED)

C. Consumer Fireworks: As defined and set out in KRS 227.702.

D. Display Fireworks: As defined and set out in KRS 227.706.

E. Fireworks: As defined and set out in KRS 227.700, including the applicable exceptions set forth in that statute.

F. Permanent Fireworks Retailer: Any person, partnership, corporation or other business entity which is open to the public year round and which offers for sale, exposes for sale, sells at retail or wholesale or keeps with the intent to sell any consumer fireworks as its primary course of business.

G. Pyrotechnic Devices: As defined and set out in KRS Chapter 227.706.

H. Seasonal Fireworks Retailer: As defined and set out in KRS 227.715.

Section 2. Locations of Sale of Fireworks. Locations for sale of fireworks by ancillary, permanent and seasonal fireworks retailers must be in permanent locations and are only allowed in the Business zones.

Section 3. Days and Times for Use of Fireworks. Use of consumer fireworks shall not begin more than 3 days prior to and not more than 3 days following for the listed holidays: New Year's Eve, New Year's Day, Memorial Day, July 4<sup>th</sup> and Labor Day. Times shall not begin earlier than 10:00 a.m. and not exceed 11:00 p.m. Sunday thru Thursday and not exceed midnight on Friday and Saturday. The only exception shall be New Year's Eve. Hours for New Year's Eve shall not begin prior to 10:00 a.m. and not extend past 1:00 a.m. on New Year's Day. Any use of fireworks outside of these days and times shall be

**APRIL 15, 2014**

considered a violation of both Noise Ordinance Chapter 94 and Nuisance Ordinance Chapter 95 and subject to the penalties within those chapters of the City of Versailles Code of Ordinances.

#### Section 4. Storage of Fireworks.

A. The storage of fireworks, consumer fireworks, display fireworks or theatrical pyrotechnic devices at retail, wholesale, storage of manufacturing facilities shall be reported in writing to the City Fire Chief or his designee and shall comply with all of the provisions set out in KRS Chapter 227, National Fire Protection Association (NFPA) 1124 (current edition) and other applicable federal and state laws with the exception that the storage of fireworks, consumer fireworks, display fireworks or theatrical pyrotechnic devices shall not be allowed in multiple-tenant buildings and all such storage shall be in standalone permanent structures. All such standalone permanent structures shall have a minimum of 100 feet separation (300ft from any gas station or current business that sells/stores known flammable products) from all adjacent buildings and structures.

B. The storage of such fireworks shall only be permitted in Industrial Zoning and also comply with applicable city building and fire regulations, zoning ordinances and business registration requirements and the notification to the Fire Chief or his designee shall include a zoning verification letter and a copy of the city's business registration form. The notification shall also include a site plan, drawn to scale of not less than 1" = 50', showing the size of the lot, the location of the permanent structure, the setback of the structure from the right-of-way, locations of adjacent structures and other information that may be required by the Fire Chief. The notification shall include a copy of a deed to the property or a written lease from the owner or authorized agent of the owner of the property granting permission or consent to the tenant to store fireworks at that location.

#### Section 5. Display of fireworks.

A. No person, firm, partnership, corporation or other business entity shall offer for sale, expose for sale, sell at retail, and keep with the intent to sell, possess, use or explode any display fireworks except as authorized in KRS 227.710.

B. The Fire Chief or his designee may grant at any time during the year, permits for supervised public displays of fireworks with such public displays handled by a competent display operator. All public displays must comply with the provisions of KRS 227.710 and no permit shall be approved without documentation that the display has been approved by the State Fire Marshal. The permit shall be valid only for the specific authorized public display event, shall be valid only for the designated permittee and shall not be transferable. Approved and licensed Public display events may occur at any specified time during the calendar year.

#### Section 6. Sales and Use of Fireworks.

A. No person, firm, partnership, corporation or other business entity shall offer for sale, expose for sale, sell at retail or keep with the intent to sell any fireworks, including consumer fireworks. The only exception allowed for the sale of fireworks are Type 1 fireworks known as Ancillary fireworks as defined in KRS 227.702 sections a-h.

B. Locations for sale of Ancillary fireworks shall only be located in permanent structures and only in Business Zones. Any permitted entities selling Ancillary fireworks shall possess a valid business license issued by the City of Versailles.

#### Section 7. Penalties.

A. Any person convicted of violating Sections 2, 4, 5 and 6 of this Ordinance shall be deemed guilty of a violation and subject to the monetary fine of \$1,000.00 for the first violation and \$3,000.00 for the second violation. The fine for a third violation is \$5,000.00 and permanent ban of any future issuance of business license in the City of Versailles. All fines are to be paid to the City of Versailles.

**APRIL 15, 2014**

B. The Code Enforcement Officer for the City of Versailles may revoke or suspend the Display of Fireworks permit of any person or business entity that violates the provisions of this subchapter, including but not limited to, the failure of the permittee to comply with this subchapter and other laws and regulations involving the sale, display or storage of fireworks, the failure of the permittee to pay the appropriate permit fees and other taxes and fees payable to the city, and the submission by the permittee of an application that contains material false or untrue statements.

C. Any fireworks stored, sold or used in violation of this chapter may be removed by the Code Enforcement Officer or the Fire Chief and/or his designee in cooperation with the State Fire Marshal pursuant to the provisions of KRS 227.750.

Section 8. This Ordinance shall become effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 8th day of April, 2014, and fully adopted after the second reading at a meeting of said council held on the 15<sup>th</sup> day of April, 2014.

**CITY OF VERSAILLES**

**BRIAN TRAUGOTT, MAYOR**

**ATTEST:**

**ALLISON B. WHITE, CITY CLERK**

**MOTION BY ELLIS, SECONDED BY ROBERTS TO AMEND ORDINANCE NO. 2014-21 AS PRESENTED FOR SECOND READING (MINOR CHANGES TO FIRST READING).**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Roberts and Miller voting aye.**

**MOTION BY ELLIS, SECONDED BY ROBERTS TO APPROVE AND ADOPT ORDINANCE NO. 2014-21 AS AMENDED.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Roberts and Miller voting aye.**

At the request of Council member Bradley, City Attorney Moore gave second reading of Ordinance No. 2014-22 An Ordinance Amending Section 95.99 of the Versailles Code of Ordinances to Establish a New Schedule of Penalties for Violations of Chapter 95 (Nuisances) as follows:

**CITY OF VERSAILLES, KENTUCKY  
ORDINANCE NO. 2014-22**

**TITLE:       AN ORDINANCE AMENDING SECTION 95.99 OF THE VERSAILLES  
CODE OF ORDINANCES TO ESTABLISH A NEW SCHEDULE  
OF PENALTIES FOR VIOLATIONS OF CHAPTER 95.**

WHEREAS, the Versailles City Council has determined that it is necessary and appropriate to amend Section 95.99 of the Versailles Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

APRIL 15, 2014

SECTION ONE: Section 95.99 of the Versailles Code of Ordinances is hereby amended as follows

(A) Whoever violates any provision of this chapter for which another penalty is not provided shall, ~~upon conviction, be subject to the general penalty set forth in § 10.99. Each day's continued violation shall constitute a separate offense.~~

~~————(B) The penalty that may be assessed with a notice of violation shall be a fine of not less than fifty dollars (\$50.00) nor more than two hundred and fifty dollars (\$250.00). Each day such a violation is committed or permitted to continue shall constitute a separate offense and is punishable as such hereunder.~~

be subject to the following fines:

Fines set forth on attached Schedule incorporated by reference

SECTION TWO. This Ordinance shall become effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 8th day of April, 2014, and fully adopted after the second reading at a meeting of said council held on the 15<sup>th</sup> day of April, 2014.

THE CITY OF VERSAILLES

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BRIAN TRAUGOTT, MAYOR

ATTEST:

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ALLISON B. WHITE, CITY CLERK

**MOTION BY BRADLEY, SECONDED BY ELLIS TO APPROVE AND ADOPT ORDINANCE NO. 2014-22 AMENDING SECTION 95.99 OF THE VERSAILLES CODE OF ORDINANCES TO ESTABLISH A NEW SCHEDULE OF PENALTIES FOR VIOLATIONS OF CHAPTER 95 (NUISANCES) AS FOLLOWS.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Roberts and Miller voting aye.**

Council member Kerkhoff presented the following quotes for the purchase of 17 baskets/planters as part of the downtown beautification program:

Peter Cooper Red Barn, Nicholasville, KY	\$5,383.64
Bi-Water Farm, Georgetown, KY	\$5,250.00

**MOTON BY KERKHOFF, SECONDED BY BRADLEY TO APPROVE AND ADOPT QUOTE IN THE AMOUNT OF \$5,250.00 AS PRESENTED BY BI-WATER FARM OF GEORGETOWN, KENTUCKY FOR THE PURCHASE OF 17 BASKETS/PLANTER HANGERS AS PART OF THE DOWNTOWN BEAUTIFICATION PROJECT.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Roberts and Miller voting aye.**

Council member Kerkhoff requested Council approval to purchase 52 seasonal banners, which would be hung from the South Main Street to North Main and Lexington Road to the Middle School. Mr. Kerkhoff noted that the price for such banners would be approximately \$3100.00 + \$200 for shipping and handling.

**MOTION BY KERKHOFF, SECONDED BY BRADLEY TO APPROVE AN EXPENDITURE NOT TO EXCEED \$3500.00 FOR THE PURCHASE OF 52 SEASONAL BANNERS (INCLUDING SHIPPING).**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Roberts and Miller voting aye.**

**APRIL 15, 2014**

**MOTION BY ELLIS, SECONDED BY ROBERTS TO APPROVE THE BASE BID AS PRESENTED BY WALTER MARTIN EXCAVATING, INC. IN THE AMOUNT OF \$49,420.00 FOR THE PURPOSE OF COMPLETING THE KUHLMAN BLVD. WATER MAIN EXTENSION PROJECTION.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Roberts and Miller voting aye.**

Paul Simmons presented the following quotes for tree removal services at the Versailles Cemetery:

Central Kentucky Tree Service	\$2,800.00
Quality Tree Care & Property Maintenance	\$3,000.00

**MOTION BY ELLIS, SECONDED BY JONES TO APPROVE AND ACCEPT THE QUOTE AS PRESENTED BY CENTRAL KENTUCKY TREE SERVICE IN THE AMOUNT OF \$2,800.00 FOR TREE REMOVAL SERVICES AT THE VERSAILLES CEMETERY.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Roberts and Miller voting aye.**

Mayor Traugott noted that he had appointed Larry Britton to the Woodford County-Versailles-Midway Tourism Commission for the term July 1, 2014 through June 30, 2017.

### **PUBLIC COMMENT**

Marjorie Evans was present to request an update on the Main Street project. Mr. Paul Simmons noted that work should begin on that project by May 1<sup>st</sup>.

Mayor Traugott informed the audience that there would be a Strategic Planning Public Hearing held on May 22, 2014 at 7:00 p.m. at the Kentucky Community and Technical College Systems building at 300 North Main Street. Mayor Traugott encouraged public attendance and encouraged the Council to have the public attend.

### **DEPARTMENT HEAD/COMMITTEE REPORTS**

Chief Wilhoit presented a quote from Southern Communications for the purchase of 2 repeaters that were budgeted for. The total amount of the repeaters are \$4,088.00 and were listed at State Price Contract.

**MOTION BY ROBERTS, SECONDED BY MILLER TO APPROVE THE PURCHASE OF TWO REPEATERS FOR THE VERSAILLES POLICE DEPARTMENT IN THE AMOUNT OF \$4,088.00.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Miller and Roberts voting aye.**

911 Coordinator Steve Tracy discussed with the Council that 911 grant funds would be coming available which would mandate 911 testing with the four main phone carriers. Mr. Tracy noted that there would not be much costs associated to the City, just some personnel time. The Council opted to wait on making a decision until further information could be provided as to what other surrounding cities are going to do.

**MOTION BY ROBERTS TO APPLY FOR CMRS BOARD GRANT THROUGH THE BLUEGRASS AREA DEVELOPMENT DISTRICT (BGADD) FOR NEW DISPATCH ROOM FURNITURE AND A CLOCK, WITH ESTIMATED COSTS \$50,000 AND A CASH CONTRIBUTION OF \$6,000.00 TO THE CITY AND THE CITY PAYING 3.5% TO BGADD TO ADMINISTER THE GRANT.**

**Motion failed for a lack of a second. Council member Miller noted that the City should try other avenues for funding, or perhaps pursuing the City itself as applying for grant funds.**

Mayor Traugott introduced Brian Wainscott, who will work with the Fire Department and whose Personal Services Contract was approved by the Council two weeks ago.

**APRIL 15, 2014**

Council member Jones noted that the Street/Road Committee had met regarding basketball goals on public street, and noting that the committee will work with City Attorney to revise the existing language of those ordinances. Also considered was retention area maintenance and ordinance language was discussed and will be brought back to the council at a future date. Mack Street drainage issues were also discussed and GRW has reviewed the problem and GRW will present pricing in the future. The Committee also discussed how to proceed with preparing merchants/property owners for the upcoming Main Street project.

Water/Sewer Committee Chair Roberts noted that committee had met regarding a request from David Kirk at 111 Bell Court for a sewer adjustment for the months of December, 2013 and January, 2014. Mr. Kirk did present a repair bill for the circumstance presented. The committee recommended adjusting Mr. Kirk's December and January sewer bills.

**MOTION BY ELLIS, SECONDED BY ROBERTS TO ADJUST THE DECEMBER, 2013 SEWER BILL FOR 111 BELL COURT IN THE AMOUNT OF \$92.38 DUE TO A LEAK.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Miller and Roberts voting aye.**

**MOTION BY ELLIS, SECONDED BY ROBERTS TO ADJUST THE JANUARY, 2014 SEWER BILL FOR 111 BELL COURT IN THE AMOUNT OF \$136.62 DUE TO A LEAK.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Miller and Roberts voting aye.**

**MOTION BY ROBERTS, SECONDED BY ELLIS TO APPROVE THE GENERAL LEDGER DISTRIBUTION LIST (BILLS) DATED APRIL 15, 2014 AFTER THEY HAVE BEEN PROPERLY REVIEWED AND APPROVED BY THE APPROPRIATE DEPARTMENT HEAD, MAYOR AND CITY TREASURER.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Miller and Roberts voting aye.**

**MOTION BY ELLIS, SECONDED BY ROBERTS THAT THE MEETING OF THE COUNCIL ADJOURN.**

**The vote was as follows: Bradley, Ellis, Jones, Kerkhoff, Miller and Roberts voting aye.**

**APPROVED:**

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**BRIAN TRAUGOTT, MAYOR**

**ATTEST:**

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**ALLISON B. WHITE, CITY CLERK**